

MICHELLE A. CHILDERS (SBN #197064)
SALLY F. WHITE (SBN #273765)
DRINKER BIDDLE & REATH LLP
50 Fremont Street, 20th Floor
San Francisco, CA 94105-2235
Telephone: (415) 591-7500
Facsimile: (415) 591-7510

T. HAROLD PINKLEY (SBN #230503)
Butler Snow LLP
The Pinnacle at Symphony Place
150 – 3rd Avenue South, Suite 1600
Nashville, TN 37201
Telephone: (615) 651-6715
Facsimile: (615) 651-6701

Attorneys for Defendant
ETHICON, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BETTY CARLING, et al.,

Plaintiffs,

v.

AMERICAN MEDICAL SYSTEMS,
INC., C.R. BARD, INC., BOSTON
SCIENTIFIC CORPORATION,
ETHICON, INC., COLOPLAST
CORPORATION and DOES 1-500,
inclusive,

Defendants.

Case No. 3:13-CV-05792-RS

**STIPULATION AND ~~PROPOSED~~
ORDER GRANTING DEFENDANT'S
STIPULATED MOTION TO STAY ALL
PROCEEDINGS PENDING A DECISION
TO TRANSFER TO MDL NO. 2325, *IN RE*
*AMERICAN MEDICAL SYSTEMS, INC.,
PELVIC REPAIR SYSTEM PRODUCTS*
*LITIGATION***

Date: January 30, 2014

Time: 1:30 p.m.

Judge: Richard Seeborg

Dept: Courtroom 3, 17th Floor

WHEREAS, Plaintiffs originally filed this action against Defendants American Medical Systems, Inc. ("AMS"), C.R. Bard, Inc., Boston Scientific Corporation, Ethicon, Inc., and Coloplast Corporation (collectively "Defendants") in the Superior Court of the State of California for the County of Alameda, Case No. RG13687551.

WHEREAS, on December 13, 2013, with the consent of all properly joined and served defendants, Defendant AMS removed this case to the United States District Court for the

1 Northern District of California on the basis of jurisdiction under 28 U.S.C. §§ 1332 & 1441;

2 WHEREAS, pursuant to 28 U.S.C. § 1407(a), on February 7, 2012, the Judicial Panel on
3 Multidistrict Litigation (“JPML”) issued a Transfer Order centralizing all MDL No. 2325 actions
4 in the Southern District of West Virginia before the Honorable Joseph R. Goodwin, in *In re*
5 *American Medical Systems, Inc., Pelvic Repair Sys. Prods. Liab. Litig.*, 844 F. Supp. 2d 1359
6 (J.P.M.L. 2012);

7 WHEREAS, this case involves questions of fact common to those cases pending in MDL
8 2325, and Defendant AMS filed a Notice of Potential Tag-Along Action with the JPML regarding
9 this case, in accordance with the Rules of Procedure of the JPML; and

10 WHEREAS, Defendant has moved this Court to stay all proceedings in this action
11 pending a decision by the United States Judicial Panel on Multidistrict Litigation on the transfer
12 of this action to the Southern District of West Virginia as part of MDL No. 2325 before the
13 Honorable Joseph R. Goodwin. *See* 28 U.S.C. § 1407; Transfer Order, MDL No. 2325, *In re*
14 *American Medical Systems, Inc., Pelvic Repair Sys. Prods. Liab. Litig.*, 844 F. Supp. 2d 1359
15 (J.P.M.L. 2012);

16 IT IS THEREFORE STIPULATED, by the parties through their respective counsel, as
17 follows:

18 The Stipulated Motion to Stay All Proceedings Pending Decision on Transfer to MDL No.
19 2325, *In re American Medical Systems, Inc., Pelvic Repair Sys. Prods. Liab. Litig.*, is
20 GRANTED. The case is STAYED until further action by this Court or transfer by the United
21 States Judicial Panel on Multidistrict Litigation. The parties are relieved of any pleading,
22 discovery, or other obligation until further notice. The case is administratively closed pending a
23 ruling on such transfer.

24 IT IS SO STIPULATED.
25
26
27
28

1 Dated: December 20, 2013

REED SMITH LLP

2
3 By: /s/ J. David Bickham

4 J. David Bickham

Lynn A. Combs

5 Attorneys for Defendant

6 AMERICAN MEDICAL SYSTEMS, INC.

7 Dated: December 20, 2013

REED SMITH LLP

8
9 By: /s/ Eric J. Buhr

10 Eric J. Buhr

11 Attorneys for Defendant

12 C.R. BARD, INC.

13 Dated: December 20, 2013

SHOOK HARDY & BACON LLP

14
15 By: /s/ Brian P. Ziska

16 Brian P. Ziska

17 Attorneys for Defendant

18 BOSTON SCIENTIFIC CORPORATION

19 Dated: December 20, 2013

DRINKER BIDDLE & REATH LLP

20
21 By: /s/ Michelle A. Childers

22 Michelle A. Childers

23 Sally F. White

24 Attorneys for Defendant

25 ETHICON, INC.

1 Dated: December 20, 2013

FULBRIGHT & JAWORSKI LLP

2
3 By: /s/ Lesley E. Swanson

4 Lesley E. Swanson

5 Attorneys for Defendant
6 COLOPLAST CORPORATION

7 Dated: December 20, 2013

POLLARD BAILEY

8
9 By: /s/ Dylan F. Pollard

10 Dylan F. Pollard

11 Attorneys for Plaintiffs
12
13

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15
16 Dated: 1/2, 2014


17 JUDGE OF THE UNITED STATES
18 DISTRICT COURT
19
20
21
22
23
24
25
26
27
28